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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER
OKORONKWO, CHINWENDU C

ART UNIT	PAPER NUMBER
2436	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/649,624	YAMAUCHI ET AL.
Office Action Summary	Examiner	Art Unit
	CHINWENDU C. OKORONKWO	2436

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>61-71</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>61-71</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In response to communications filed on 11/20/2008, the Examiner acknowledges

the amendments made to the claims and have both considered and applied them to the

claims.

Claims 61-71 are presented for examination.

Response to Remarks/Arguments

2.   Applicant's arguments with respect to the rejection of the claims have been fully

considered but they are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Alve</u>

(U.S. Patent Application No. 2003/0076955, *hereinafter* Alve) in view of Asokan et al

(US Patent No. 7,178,041 B2 *hereinafter* Asokan)

Regarding 61, <u>Alve</u>, discloses a content duplication management apparatus that manages content duplications performed on an apparatus, comprising:

- a request receiving unit (0068—"trust management provider") configured to receive, from the apparatus, a management request indicating one of a duplication request for duplicating a content (0043-0052 and 0058-0062);

- a management unit (0068—"trust management provider") configured to execute the management request received from said request receiving unit in order of arrival (0068-0073 – "when a user of the domain adds a new device to the domain the trust management provider 500 can be consulted to certify that the new device meets the standards required by the system. This process could include communicating with a third party that dictates the rules for domain creation for this user; e.g. a content provider. Alternatively, the trust management provider might control the entire process of joining devices into authorized domains and maintaining the created domains. In this role the trust management provider could also replace unusable content keys produced with content key seeds, as described above. The trust management provider might also provide information to the other devices in the domain concerning the operation of the new device");

- a holding unit configured to hold duplication restriction information indicating a number of permitted content duplications, wherein said management unit,
  (1) when the management request that has been received first among the management requests that have not been executed is the deletion request, adds

the predetermined value to the number of permitted content duplications, and

(2) when the management request that has been received first is the duplication

request and (i) if the number indicated by the duplication restriction information is

greater than the predetermined value, duplicates the content for the apparatus,

and subtracts the predetermined value from the umber indicated by the

duplication restriction information, (ii) if the number indicated by the duplication

restriction information is less than the predetermined value, rejects the

duplication request, and (iii) if the number indicated by the duplication restriction

information is less than the predetermined value and the deletion request exists

subsequent to the duplication request, executes, on an exceptional basis, the

deletion request prior to the duplication request, and adds the predetermined

value to the number indicated by the duplication restriction information (0043-

0052 – copy control, domain traversal).

Alve is silent in disclosing a deletion request for deleting the content, however

Asokan does provide such a disclosure in the recitation of 7:6-19, which recites,

"an update request protocol between the secured module 200, the external,

tamper-resistant security element 103 and the insecure storage device 105 …

the secured module 200 has computed new or a change in state information of

the counter and requests that the external, tamper-resistantgood mor security

element 103 update the counter value using counterID."

It would have been obvious to one of ordinary skill in the art, to have been motivated to combine the siclosures of Alve with that of Asokan, as both are directed towards security processing/distribution of content. The motivation for this combination is provide by Asokan 1:39-54, which recites, "third party might want to prevent a user of a personal communication device from playing a song more than 10 times. The right to play the song 10 times is delivered as an electronic voucher that specifies a 10-use restriction by implementing a counter. However, if a user can reset the counter after each use, the song can be played indefinitely without having to pay the owner of the data for each use." Asokan continues, "Therefore, it is desirable to provide a system, method and computer program product that provides a trusted counter for protecting access to a personal communication device using a read-write, external tamper-resistant storage device. The system, method and computer program product of the present invention disclosed herein addresses this need."

Regarding 62, <u>Alve</u>, discloses the content duplication management apparatus of Claim 61, wherein said management unit further duplicates the content for the apparatus that has requested the duplication request, and subtracts the predetermined value from the number indicated by the duplication restriction information, after executing the deletion request prior to the duplication request,

and adds the predetermined value to the number indicated by the duplication

restriction information (0060-0065 - copy control, domain traversal, positive

integer).

Regarding 63, <u>Alve</u>, discloses the content duplication management device of

Claim 61, wherein the duplication restriction information includes an in-group

remaining number and an out-group remaining number, and said management

unit judges whether or not the apparatus belongs to a predetermined group when

the predetermined value is either added to or subtracted from the number

indicated by the duplication restriction information, and (1) if the apparatus is

judged to belong to the group, either increases or decreases the in-group

remaining number, and (2) if the apparatus is judged to not belong to the group,

either increases or decreases the out-group remaining number (pars, 43-52,

copy control, domain traversal, 56-59, verifying device belongs to domain, 60-65,

copy control, domain traversal, positive integer).

Regarding 64, <u>Alve</u>, discloses the content duplication management apparatus of

Claim 63, wherein said management unit, (1) when the management request is

the duplication request and the apparatus is judged to belong to the group, and

(i) if the in-group remaining number is not zero, duplicates the content for the

apparatus, and subtracts the predetermined number from the in-group remaining

number, and (ii) if the in-group remaining number is zero, rejects the

management request, and (2) when the management request is the duplication

request and the apparatus is judged to not to belong to the group, and (i) if the

out-group remaining number is not zero, duplicates the content for the apparatus,

and subtracts the predetermined number from the out-group remaining number,

and (ii) if the out-group remaining number is zero, rejects the management

request (0043-0052 - copy control, 0063-0066 - voucher based access

permissions to content, 0071-0074 - transferring copies, access).

Regarding 65, <u>Alve</u>, is silent in disclosing the content duplication management

apparatus of Claim 63, wherein said management unit, when the management

request is the deletion request, however, and (1) if the apparatus is judged to

belong to the group, adds the predetermined value to the in-group remaining

number, and (2) if the apparatus is judged not to belong to the group, adds the

predetermined value to the out-group remaining number, Asokan does provide

such a disclosure in the recitation of 7:6-19, which recites, "an update request

protocol between the secured module 200, the external, tamper-resistant security

element 103 and the insecure storage device 105 ... the secured module 200

has computed new or a change in state information of the counter and requests

that the external, tamper-resistantgood mor security element 103 update the

counter value using counterID."

It would have been obvious to one of ordinary skill in the art, to have been motivated to combine the siclosures of Alve with that of Asokan, as both are directed towards security processing/distribution of content. The motivation for this combination is provide by Asokan 1:39-54, which recites, "third party might want to prevent a user of a personal communication device from playing a song more than 10 times. The right to play the song 10 times is delivered as an electronic voucher that specifies a 10-use restriction by implementing a counter. However, if a user can reset the counter after each use, the song can be played indefinitely without having to pay the owner of the data for each use." Asokan continues, "Therefore, it is desirable to provide a system, method and computer program product that provides a trusted counter for protecting access to a personal communication device using a read-write, external tamper-resistant storage device. The system, method and computer program product of the present invention disclosed herein addresses this need."

Claims 67-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alve (U.S. Patent Application No. 2003/0076955, *hereinafter* Alve) in view of Asokan et al (US Patent No. 7,178,041 B2 *hereinafter* Asokan) and further in view of Ganesan (U.S. Patent Application No. 2002/0019814 A1, *hereinafter* Ganesan).

Regarding 66, <u>Alve</u> and <u>Asokan</u>, is silent in disclosing the content duplication management apparatus of Claim 61, further comprising: an acquisition unit configured to acquire a start time of a processing of the management request; and a time management unit configured to cause said management unit to execute the management request corresponding to the start time, at the start time, however <u>Ganesan</u> does provide such a disclosure (0012 – "a description of the rights (play, copy, etc.) conferred by the license and related conditions (begin date, expiration date, number of plays, etc.), where such description is in a digitally readable form").

It would have been obvious for one of ordinary skill in the art to have been motivated to combine the Alve, Asokan and Ganesan references as all are directed towards content rights management. The motivation to combine these references is provided by Ganesan, which recites in 0007 "a need exists for a trusted component running on the computing device, where the trusted component enforces the rights of the content owner on such computing device in connection with a piece of digital content, even against attempts by the user of such computing device to access such digital content in ways not permitted by the content owner. As but one example, such a trusted software component prevents a user of the computing device from making a copy of such digital content, except as otherwise allowed for by the content owner thereof").

Regarding 67, <u>Alve</u> and <u>Asokan</u>, is silent in disclosing the content duplication management apparatus of Claim 61, comprising: an acquisition unit configured to acquire a usage expiry date of the content; and a time management unit configured to cause said management unit to increase the number indicated by the duplication restriction information when the usage expiry date has passed, however <u>Ganesan</u> does provide such a disclosure (0012 – "a description of the rights (play, copy, etc.) conferred by the license and related conditions (begin date, expiration date, number of plays, etc.), where such description is in a digitally readable form").

It would have been obvious for one of ordinary skill in the art to have been motivated to combine the Alve, Asokan and Ganesan references as all are directed towards content rights management. The motivation to combine these references is provided by Ganesan, which recites in 0007 "a need exists for a trusted component running on the computing device, where the trusted component enforces the rights of the content owner on such computing device in connection with a piece of digital content, even against attempts by the user of such computing device to access such digital content in ways not permitted by the content owner. As but one example, such a trusted software component prevents a user of the

computing device from making a copy of such digital content, except as otherwise allowed for by the content owner thereof").

Regarding 68, <u>Alve</u>, discloses the content duplication management apparatus of Claim 63, wherein said management unit further notifies, to the apparatus, transfer information showing (i) at least a number that is less than the in-group remaining number and (ii) at least a number that is less than the out-group remaining number, and subtracts each of the numbers shown by the transfer information from the in-group remaining number and the out-group remaining number, respectively (pars. 43-52, copy control, pars. 63-66, voucher based access permissions to content).

Regarding 69, <u>Alve</u>, discloses the content duplication management apparatus of Claim 63, wherein said content duplication management apparatus is connected to a network, and further includes an acquisition unit configured to acquire the content from outside a home network, and said management unit judges that an apparatus connected to the home network belongs to the group, in the judgment of whether or not the apparatus belongs to the group (pars. 21-25, domain, household devices, LAN).

Claim 70, which claims, a content duplication management method for managing content duplications performed on an apparatus, comprising: a request receiving

step of receiving, from the apparatus, a management request indicating one of a duplication request for duplicating a content and a deletion request for deleting the content; a management step of executing the management request received from a request receiving unit in order of arrival; a holding step of holding duplication restriction information indicating a number of permitted content duplications, wherein in the management step, (1) when the management request that has been received first among the management requests that have not been executed is the deletion request, the predetermined value is added to the number of permitted content duplications, and (2) when the management request that has been received first is the duplication request and (i) if the number indicated by the duplication restriction information is greater than the predetermined value, the content is duplicated for the apparatus, the predetermined value is subtracted from the number indicated by the duplication restriction information, (ii) if the number indicated by the duplication restriction information is less than the predetermined value, the duplication request is rejected, and (iii) if the number indicated by the duplication restriction information is less than the predetermined value and the deletion request exists subsequent to the duplication request, the deletion request is executed on an exceptional basis prior to the duplication request, and the predetermined value is added to the number indicated by the duplication restriction information - Rejected under the same rationale as claims 61 and 62.

Claim 71, which claims, a content duplication management system comprising an apparatus and a content duplication management apparatus that manages content duplications performed on the apparatus connected to a network, said content duplication management apparatus including: a request receiving unit configured to receive, from said apparatus, a management request indicating one of a duplication request for duplicating a content and a deletion request for deleting the content; a management unit configured to execute the management request received from said request receiving unit in order of arrival; a holding unit configured to hold duplication restriction information indicating a number of permitted content duplications, wherein said management unit, (1) when the management request that has been received first among the management requests that have not been executed is the deletion request, adds the predetermined value to the number of permitted content duplications, and (2) when the management request that has been received first is the duplication request and (i) if the number indicated by the duplication restriction information is greater than the predetermined value, duplicates the content for the apparatus, and subtracts the predetermined value from the number indicated by the duplication restriction information, (ii) if the number indicated by the duplication restriction information is less than the predetermined value, rejects the duplication request, and (iii) if the number indicated by the duplication restriction information is less than the predetermined value and the deletion request exists

subsequent to the duplication request, executes, on an exceptional basis, the

deletion request prior to the duplication request, and adds the predetermined

value to the number indicated by the duplication restriction information –

Rejected under the same rationale as claims 61 and 62.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHINWENDU C. OKORONKWO whose telephone

number is (571)272-2662. The examiner can normally be reached on MWF 2:30 - 6:00,

TR 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. C. O./
Examiner, Art Unit 2436

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2436